

**Iowa Department of Natural Resources
Environmental Protection Commission**

ITEM

6

DECISION

TOPIC

Final Rule – Rescind IAC 567—Chapter 211 “Grants for Regional Collection Centers of Conditionally Exempt Small Quantity Generators and Household Hazardous Wastes”. Adopt both IAC 567—Chapter 211 “Financial Assistance for the Collection of Household Hazardous Materials and Hazardous Waste From Conditionally Exempt Small Quantity Generators” and IAC 567—Chapter 123 “Regional Collection Centers and Mobile Unit Collection and Consolidation Center” in lieu thereof.

The Department is requesting the Commission approve rescinding Iowa Administrative Code (IAC) 567—Chapter 211 “Grants for Regional Collection Centers of Conditionally Exempt Small Quantity Generators and Household Hazardous Wastes” and replacing current 567—Chapter 211 with new IAC 567—Chapter 211 “Financial Assistance for Collection of Household Hazardous Material and Hazardous Waste From Conditionally Exempt Small Quantity Generators” and IAC 567—Chapter 123 “Regional Collection Centers and Mobile Unit Collection and Consolidation Centers”.

IAC 567—Chapter 211 will be rescinded; however, the requirements are split and updated into two new chapters. New IAC 567—Chapter 211 will be dedicated to the financial assistance for collection of household hazardous materials and materials from conditionally exempt small quantity generators. IAC 567—Chapter 123 will be dedicated to the permitting requirements for Regional Collection Centers (RCCs) and Mobile Unit Collection and Consolidation Centers (MUCCCs).

The changes to IAC 567—Chapter 211 will move the application ranking from the rule to the application guidelines to allow greater flexibility in funding projects that best meet the intent and goals of the program. New IAC 567—Chapter 211 also outlines the eligibility requirements for semiannual assistance payments to RCCs and MUCCCs.

The changes to IAC 567—Chapter 123 will consolidate all the RCC permitting requirements from IAC 567—Chapters 102, 104 and 211 into one chapter. There are several changes to the RCC permit requirements. First, all permitted RCCs will be required to file a semiannual report, rather than just those seeking reimbursement. Second, the closure plan requirements will be revised so that they are more applicable to the concerns of an RCC. Furthermore, an education plan will be required as part of the permit.

IAC 567-Chapter 123 also establishes a new permit, Mobile Unit Collection and Consolidation Centers (MUCCC) for collection systems that utilize mobile collection events on a regular basis, but do not provide public access to a fixed facility. The permit requirements for the MUCCC are very similar to the RCC permit requirements, however they must provide the dates and locations of the mobile events. The events must total at least 16 hours a month in each county served.

Finally House File 602 of the 2005 Legislative Session amended Iowa Code 455F, which is the basis for RCC reimbursements. The Code changes transition the monies the Department utilizes for RCCs from a primary allocation for establishment grants to a primary allocation for reimbursement. Moreover, the Code changes allow eligible private agencies that collect household hazardous materials (HHM) and are part of a comprehensive plan to receive assistance. Thus, minor amendments to the administrative rules have been made to reflect these Code changes.

The Commission approved the Notice of Intended Action at the October 2005 meeting. The Department held a public hearing on December 5, 2005, in the Wallace State Office Building in Des Moines. No comments were received, and therefore no changes were made to the proposed rule and no responsiveness summary is needed.

The Commission is requested to approve this Final Rule.

Theresa Stiner, Environmental Specialist Senior
Energy & Waste Management Bureau
Environmental Services Division

December 27, 2005

ENVIRONMENTAL PROTECTION COMMISSION
Adopted and Filed

Pursuant to the authority of Iowa Code sections 455B.304 and 455D.7, the Environmental Protection Commission hereby rescinds Iowa Administrative (IAC) Code 567—Chapter 211, “Grants for Regional Collection Centers of Conditionally Exempt Small Quantity Generators and Household Hazardous Wastes”. Furthermore, the Environmental Protection Commission adopts new IAC 567—Chapter 211 “Financial Assistance for the Collection of Household Hazardous Materials and Hazardous Waste From Conditionally Exempt Small Quantity Generators” and new IAC 567—Chapter 123 “Regional Collection Centers and Mobile Unit Collection and Consolidation Centers” is adopted.

Notice of Intended Action was published in the Iowa Administrative Bulletin on November 9, 2005 as ARC 4648 B. No public comment was received regarding this rule change, and therefore no changes were made to the rule and no responsiveness summary is needed.

IAC 567—Chapter 211 is rescinded; however, the requirements are split and updated into two new chapters. New IAC 567—Chapter 211 is dedicated to the financial assistance to Regional Collection Centers (RCCs) and Mobile Unit Collection and Consolidation Centers (MUCCCs). New IAC 567—Chapter 123 is dedicated to the permitting requirements for Regional Collection Centers and Mobile Unit Collection and Consolidation Centers.

The changes to IAC 567—Chapter 211 move the application ranking from the rule to the application guidelines to allow greater flexibility in funding projects that best meet the intent and goals of the program. New IAC 567—Chapter 211 also outlines the eligibility requirements for semiannual assistance payments to RCCs and MUCCCs.

The changes to IAC 567—Chapter 123 consolidate all the RCC permitting requirements from IAC 567—Chapters 102, 104 and 211 into one chapter. In this reorganization there are several changes to the RCC permit requirements. First, all permitted RCCs are required to file a semiannual report, rather than just those seeking reimbursement. Second, the closure plan requirements are revised so they are more

applicable to the concerns of an RCC. Furthermore, an education plan is required as part of the permit.

IAC 567-Chapter 123 also establishes a new permit, Mobile Unit Collection and Consolidation Centers (MUCCCs) for collection systems that utilize mobile collection events on a regular basis, but do not provide public access to a fixed facility. The permit requirements for the MUCCC are very similar to the RCC permit requirements, however they must provide the dates and locations of the mobile events. The events must total at least 16 hours a month in each county served.

Finally House File 602 of the 2005 Legislative Session amended Iowa Code 455F, which is the basis for RCC reimbursements. The Code changes transition the monies the Department utilizes for RCCs from a primary allocation from establishment grants to reimbursement. Moreover, the Code changes allow eligible private agencies that collect household hazardous materials (HHM) and are part of a comprehensive plan to receive assistance. Thus, minor amendments to administrative rules reflect these Code changes.

These rules are intended to implement Iowa Code sections 455B.304, 455D.7, and 455F.8 and section 455F.8A as amended by 2005 Iowa Acts, House File 602, section 1.

The following amendments are adopted.

ITEM# 1 Adopt IAC 567—Chapter 123 as follows:

CHAPTER 123
REGIONAL COLLECTION CENTERS AND MOBILE UNIT COLLECTION AND
CONSOLIDATION CENTERS

567-123.1(455B, 455D, 455F) Purpose. The purpose of this chapter is to implement permitting requirements for two systems which provide for the collection of household hazardous waste (HHM) and hazardous waste from conditionally exempt small quantity generators (CESQGs). Two types of permits are established: (1) Regional collection center (RCC) permits for operations that collect hazardous materials at a facility; and (2) Mobile unit collection and consolidation center (MUCCC) permits for facilities that collect hazardous materials at various temporary locations.

567-123.2(455B, 455D, 455F) Definitions. The definitions set out in Iowa Code section 455B.301 shall be considered to be incorporated verbatim in these rules. For the purposes of this chapter, these terms shall have the following meanings:

“*Conditionally exempt small quantity generator*” or “*(CESQG)*” means a generator that in a calendar month generates no more than 100 kilograms of hazardous waste in that month and is further defined by 40 CFR 261.5.

“*Consolidation center for CESQG and HHM*” means a building for the sorting, packaging, and temporary storage of materials collected from mobile events. Household hazardous materials (HHM) are not collected from the public at the consolidation center.

“*Hazardous waste contractor*” means a private company that provides proper management (e.g., disposal, recycling) of hazardous waste. “Hazardous waste contractors” does not include regional collection centers.

“*Household hazardous material*” or “*HHM*” means the same as defined in Iowa Code subsection 455F.1(4).

“*Mobile unit collection and consolidation center (MUCCC)*” means a government agency or private agency under contract with a government agency as part of a solid waste comprehensive plan, that provides HHM collection events at temporary sites. Collection events are held a minimum of 16 hours per month in each county served by the MUCCC. MUCCCs do not provide public access to a fixed facility. Materials collected are consolidated and stored for removal by a hazardous waste contractor. MUCCCs do not include RCCs that utilize a mobile collection unit along with access to a permanent facility.

“*Mobile unit for CESQG and HHM*” means a unit that can be moved to different sites within a service area. The mobile unit is used to perform collection events and to transport collected materials to a fixed RCC or consolidation center.

“*Public access*” means the public has regularly scheduled right of access during the facility’s hours of operation as specified in the facility’s permit.

“*Regional collection center*” or “*(RCC)*” means a secured facility at which collection, sorting, and packaging of household hazardous materials and hazardous materials from CESQGs is accomplished prior to transportation of these wastes to the final disposal site. RCCs have regular hours during which the public may drop off hazardous materials. An RCC may be a government agency or a private agency under contract with a government agency as part of a solid waste comprehensive plan. RCCs are referred to as temporary collection sites in Iowa Code subsection 455F.8A(1).

“*Secondary containment*” means providing an impervious surface that is curbed, sloped, or sumped to retain spilled materials with storage volume equal to the largest container or 10 percent of all containers, whichever is larger.

567—123.3(455B, 455D, 455F) Regional collection center and mobile unit collection and consolidation center permits.

123.3(1) Permit required. An RCC or MUCCC shall not be constructed or operated without a permit from the Department.

123.3(2) RCC and MUCCC permit exemption. If an RCC or MUCCC is located at a permitted recycling or composting facility or sanitary disposal project, the RCC or MUCCC shall not be required to have its own permit; instead, the RCC or MUCCC activities may be amended into the host facility’s permit.

123.3(3) *Compliance.* Every RCC and MUCCC must be in compliance with all state and federal laws regarding the management, storage, transportation and disposition of household hazardous materials and hazardous materials from conditionally exempt small quantity generators.

123.3(4) *Construction and operation.* An RCC or MUCCC shall be constructed and operated according to the plans and specifications approved by the Department and the conditions of the permit. The approved plans and specifications shall constitute a condition of the permit.

123.3(5) *Transfer of title and permit.* If title to an RCC or MUCCC is transferred, then the Department shall transfer the permit within 60 days if the Department has found that the following requirements have been met:

- a. The title transferee has applied in writing to the Department to request a transfer of the permit within 30 days of the transfer of title.
- b. The permitted facility is in compliance with Iowa Code chapters 455B, 455D and 455F, this chapter and the conditions of the permit.

123.3(6) *Permit conditions.* Any permit may be issued subject to conditions that are specified in writing by the Department and that are necessary to ensure that the facility is constructed and operated in compliance with Iowa Code chapters 455B, 455D and 455F, this chapter and local fire codes.

123.3(7) *Effect of revocation.* If a permit held by any public or private agency is revoked by the director, then no new permit for an RCC or MUCCC shall be issued to that agency for a period of one year from the date of revocation. Such revocation shall not prohibit the issuance of a permit for the facility to another public or private agency.

123.3(8) *Inspection prior to commencing new operation.* The Department shall be notified before a facility begins operations. No household hazardous materials or hazardous waste from conditionally exempt small quantity generators shall be accepted by the facility until it has been inspected and approved by the Department.

123.3(9) *Duration and renewal of permits.* A permit shall be issued and may be renewed for a period of three years, unless otherwise authorized by the Department. If the permit applicant is a private agency under contract with a local government, the permit shall not extend past the end date of the contract.

123.3(10) *Request and approval of permit renewal.* A facility shall file a request for permit renewal in writing by submitting Form 50H (542–1542) to the Department at least 90 days before the expiration of the current permit. The Department may request that additional information be submitted for review to make a permit renewal decision. The Department shall renew the permit if, after a review and inspection of the facility and its compliance history, the Department finds that the facility is in compliance with Iowa Code chapters 455B, 455D and 455F, this chapter, and the conditions of the permit, and is making a good faith effort to maintain compliance. If the facility is found not to be in compliance with Iowa Code chapters 455B, 455D, and 455F, this chapter, and the conditions of the permit, or if a good faith effort to maintain compliance is not being made, the facility shall be brought into compliance or placed on a compliance schedule approved by the Department before the permit is renewed.

123.3(11) *Request for permit modification.* A facility shall submit a request for permit modification in writing to the Department with supporting documentation and

materials. The Department may request that additional information be submitted for review to make a permit modification decision.

567—123.4(455B, 455D, 455F) Permit application requirements for regional collection centers.

123.4(1) An applicant for a regional collection center permit must submit the following information to the Department:

- a. The name, address, and telephone number of:
 - (1) The owner of the site where the regional collection center will be located.
 - (2) The permit applicant.
 - (3) The site where the regional collection center will be located.
 - (4) The individual responsible for the operation of the RCC.
- b. A legal description of the site.
- c. A map or aerial photograph locating the boundaries of the site and identifying:
 - (1) North or other principal compass points.
 - (2) Zoning and land use within one half mile.
 - (3) Homes and other buildings within one half mile.
 - (4) Section lines or other legal boundaries.
- d. Days and hours of operation.
- e. Area to be served.
- f. Type, source, and expected volume or weight of waste to be handled per day, week or year.
- g. An organizational chart.
- h. Site plans detailing how the facility will comply with rule 123.6.
- i. Schematic plans of facilities detailing how the facility will comply with rule 123.7.
- j. For mobile operations, schematic plans or a description and photographs of mobile unit.
- k. Documentation of staff qualifications pursuant to rule 123.8.
- l. A plan of operations detailing how the facility will comply with subrule 123.9(1).
- m. An education plan detailing how the facility will comply with subrule 123.9(2).
- n. Proof of the applicant's ownership of the site or legal entitlement to use the site for the disposal of solid waste for the term of the permit for which application is made.
- o. A closure plan detailing how the facility will comply with subrule 123.9(3).
- p. An emergency response and remedial action plan (ERRAP) detailing how the facility will comply with rule 123.10.

123.4(2) *Incomplete applications.* If the Department finds the permit application to be incomplete, the Department shall notify the applicant of that fact and of the specific deficiencies. If the applicant fails to correct the noted deficiencies within 30 days, the Department may reject the application and return the application materials to the applicant. The applicant may reapply without prejudice.

567—123.5(455B, 455D, 455F) Permit application requirements for mobile unit collection and consolidation centers.

123.5(1) An applicant for a mobile unit collection and consolidation center permit must submit the following information to the Department:

- a. The name, address, and telephone number of:
 - (1) The owner of the site where the consolidation center will be located.
 - (2) The permit applicant.
 - (3) The site where the consolidation center will be located.
 - (4) The individual responsible for the operation of the MUCCC.
- b. A legal description of the consolidation center site.
- c. A map or aerial photograph locating the boundaries of the consolidation center for CESQG and HHM site and identifying:
 - (1) North or other principal compass points.
 - (2) Zoning and land use within one half mile.
 - (3) Homes and other buildings within one half mile.
 - (4) Section lines or other legal boundaries.
- d. Days, hours and locations of mobile collection events for HHM and CESQG.
- e. Area to be served.
- f. Type, source, and expected volume or weight of waste to be handled per day, week or year.
- g. An organizational chart.
- h. Site plans detailing how the facility will comply with rule 123.6.
- i. Schematic plans of facilities detailing how the facility will comply with rule 123.7.
- j. Schematic plans or a description and photographs of mobile unit.
- k. Documentation of staff qualifications pursuant to rule 123.8.
- l. A plan of operations detailing how the facility will comply with subrule 123.9(1).
- m. An education plan detailing how the facility will comply with subrule 123.9(2).
- n. Proof of the applicant's ownership of the consolidation center for CESQG and HHM site or legal entitlement to use the site for the term of the permit for which application is made.
- o. Agreements from the owners of the sites where the mobile collections for CESQG and HHM will take place.
- p. A closure plan detailing how the facility will comply with subrule 123.9(3).
- q. An emergency response and remedial action plan (ERRAP) detailing how the facility will comply with rule 123.10.

123.5(2) *Incomplete applications.* If the Department finds the permit application to be incomplete, the Department shall notify the applicant of that fact and of the specific deficiencies. If the applicant fails to correct the noted deficiencies within 30 days, the Department may reject the application and return the application materials to the applicant. The applicant may reapply without prejudice.

567—123.6(455B, 455D, 455F) Site selection. A site selected for an RCC or MUCCC shall meet the following criteria:

123.6(1) An RCC site or a mobile unit collection for CESQG and HHM site shall be sited on public property, or on private property if an agreement exists that guarantees public access. Documentation of the private property agreement shall be provided to the Department. A consolidation center for CESQG and HHM does not need to be sited on public property.

123.6(2) The site of an RCC or a consolidation center shall be designed to provide adequate secondary containment in case of a spill or other possible onsite contamination.

123.6(3) The site shall meet all applicable zoning requirements.

123.6(4) The site shall be adequately sized to accommodate all structures, units and activities that will take place on the site.

123.6(5) An RCC site or a consolidation center for CESQG and HHM site shall be fenced to control access, and a gate shall be provided at the entrance to the site and be locked when personnel are not on duty.

567—123.7(455B, 455D, 455F) Structures. The structures for Regional Collection Centers and consolidation centers for CESQG and HHM shall meet the following criteria:

123.7(1) All structures shall be sized to adequately accommodate the sorting, bulking and lab packing, and temporary storage of household hazardous materials and hazardous materials from conditionally exempt small quantity generators brought to the RCC or collected at mobile events.

123.7(2) All permanent structures shall meet the requirements of applicable building codes.

123.7(3) The structures and mobile units shall be so designed to prevent run-on from entering from adjacent areas.

123.7(4) All mobile units and the containers used to package collected materials shall comply with applicable Iowa Department of Transportation (DOT) rules and guidelines. At each mobile unit site, the unit shall rest on a pad of an impervious, smooth material that provides secondary containment in case of a spill, and a canopy or roof shall be provided as protection from inclement weather.

123.7(5) All receiving areas shall have a storage capacity of at least one day's processing capacity.

123.7(6) All receiving, sorting, bulking, transfer and storage area surfaces shall be constructed of an impervious, smooth material so designed to be easily cleaned, nonreactive with the waste, and with proper drainage, in the form of plastic lined pits or concrete sumps, according to applicable codes. Areas used for the receiving, bulking, transferring, lab packing and storing of exempt hazardous materials shall be provided with secondary containment and shall be protected from exposure to the weather.

123.7(7) The construction plans and specifications for the RCC shall include a receiving area, sorting area, separate storage areas for incompatible materials, roads, structures, fences and gates, landscaping and screening devices, personnel and maintenance facilities, and utility lines. The construction plans and specifications for the consolidation center shall include a sorting area, separate storage areas for incompatible materials, roads, structures, fences and gates, landscaping and screening devices, personnel and maintenance facilities, and utility lines.

567—123.8(455B, 455D, 455F) Staff qualifications. All RCC and MUCCC staff handling hazardous materials shall have received applicable training including but not limited to the following:

1. OSHA 24-hour health and safety training as described by 29 CFR 1910.120.
2. Hazardous materials chemistry.
3. Personnel and site safety.
4. Proper lab packing techniques.
5. Proper transporting of hazardous materials.
6. U.S. Department of Transportation 8-hour hazardous materials training for the operation of a mobile unit for hazardous materials collection.

567—123.9(455B, 455D 455F) Plans and procedures. The applicant must prepare and maintain a plan of operations, an education plan and a closure plan.

123.9(1) *Operations plan.* The operations plan shall include, at a minimum, the following information.

- a. Schedule of operations including hours of operations for RCCs and a schedule of collection events including dates, hours, and locations for MUCCCs. MUCCC collections shall total, at a minimum, 16 hours per month in each county in the service area. At least 4 of the 16 hours shall be on a Saturday.
- b. Site selection procedures for mobile unit collections.
- c. Standard receiving procedures for household and CESQG wastes.
- d. Procedures for managing unknown materials.
- e. Procedures for handling open or leaking containers.
- f. Procedures for managing large quantities of wastes.
- g. Recycling procedures for usable materials.
- h. Disposal of non-hazardous waste.
- i. Personal protection equipment (PPE).
- j. Initial training requirements and continuing education of staff.

123.9(2) *Education plan.* The education plan shall demonstrate a commitment to educate the local population through a program that addresses alternatives to the purchase of toxic materials and the proper disposal for toxic materials. Education shall be directed to both the general population and CESQGs.

123.9(3) *Closure plan.* The permit holder shall notify the Department at least 30-days prior to ceasing operations. The closure plan shall include, at a minimum, the following information.

- a. A description of how the RCC will notify the public within its service area that the facility is closing and how household hazardous materials should be managed after closure of the facility.
- b. A description of how all household hazardous materials and hazardous waste from CESQGs will be removed from the facility and properly managed within 45 days of the RCC's or MUCCC's ceasing operations.

567—123.10(455B, 455D, 455F) Emergency response and remedial action plans.

123.10(1) Purpose. The purpose of this rule is to implement Iowa Code section 455B.306(6)“d” by providing the criteria for developing a detailed emergency response and remedial action plan (ERRAP) for permitted sanitary disposal projects.

123.10(2) Updates. An updated ERRAP shall be included with any request for permit modification to incorporate a facility expansion or significant changes in facility operation that require modification of the currently approved ERRAP.

123.10(3) Content. The content of ERRAP documents shall be concise and readily usable as a reference manual by facility managers and operators under emergency conditions. The ERRAP document content shall address at least the following primary issues in detail, unless project conditions render the specific issue not applicable. The rationale for exclusion of any issue areas that are determined not to be applicable must be provided in either the body of the plan or as a supplement to facilitate Department review. Additional emergency response and remedial action plan requirements unique to the facility shall be addressed, as applicable.

- a. Facility information.
 - (1) Permitted agency.
 - (2) DNR permit number.
 - (3) Facility description.
 - (4) Responsible official and contact information.
 - (5) Project location.
 - (6) Site and environs map.
- b. Regulatory requirements.
 - (1) Iowa Code section 455B.306(6)“d” criteria citation.
 - (2) Reference to provisions of the permit.
- c. Emergency conditions—response activities—remedial action.
 - (1) Failure of utilities.
 1. Short term (48 hours or less).
 2. Long term (over 48 hours).
 - (2) Weather related events.
 1. Tornado.
 2. Windstorms.
 3. Intense rainstorms and erosion.
 4. Lightning strikes.
 5. Flooding.
 6. Event and post-event conditions.
 - (3) Fire and explosions.
 1. Waste materials.
 2. Buildings and site.
 3. Equipment.
 4. Fuels.
 5. Utilities.
 6. Facilities.
 7. Working area.
 8. Hot loads.
 9. Waste gases.
 10. Evacuation.

- (4) Regulated waste spills and releases.
 - 1. Waste materials.
 - 2. Leachate.
 - 3. Waste gases.
 - 4. Waste stockpiles and storage facilities.
 - 5. Waste transport systems.
 - 6. Litter and airborne particulate.
 - 7. Site drainage systems.
 - 8. Off site releases.
- (5) Hazardous material spills and releases.
 - 1. Load check control points.
 - 2. Mixed waste deliveries.
 - 3. Fuels.
 - 4. Waste gases.
 - 5. Site drainage systems.
 - 6. Off site releases.
- (6) Mass movement of land and waste.
 - 1. Earthquakes.
 - 2. Slope failure.
 - 3. Waste shifts.
 - 4. Waste subsidence.
- (7) Emergency and release notifications and reporting.
 - 1. Federal agencies.
 - 2. State agencies.
 - 3. County and city agencies.
 - 4. News media.
 - 5. Public and private facilities with special populations within five miles.
 - 6. Emergency response agencies and contact information.
 - 7. Reporting requirements and forms.
- (8) Emergency waste management procedures.
 - 1. Communications.
 - 2. Temporary discontinuation of services, short-term and long-term.
 - 3. Facilities access and rerouting.
 - 4. Waste acceptance.
 - 5. Wastes in process.
- (9) Primary emergency equipment inventory.
 - 1. Major equipment.
 - 2. Fire hydrants and water sources.
 - 3. Off site equipment resources.
- (10) Emergency aid.
 - 1. Responder contacts.
 - 2. Medical services.
 - 3. Contracts and agreements.
- (11) ERRAP training requirements.
 - 1. Training providers.
 - 2. Employee orientation.

3. Annual training updates.
 4. Training completion and record keeping.
- (12) Reference tables, figures and maps.

567—123.11(455B, 455D, 455F) Reporting requirements. On a form supplied by the Department, each RCC and MUCCC shall submit to the Department a completed hazardous material collection semiannual report. The report shall include, but is not limited to, the pounds of materials managed through a reuse program, hazardous waste contractors, and by non-hazardous waste contractors. All hazardous waste contractor invoices shall be attached. Such invoices shall depict hazardous material types, net weight of hazardous materials, and associated disposal costs charged by the hazardous waste contractor to the RCC or MUCCC. Hazardous material collection semiannual reports shall be submitted by September 1 for the portion of the fiscal year January 1 through June 30, and by March 1 for the portion of the fiscal year July 1 through December 31.

These rules are intended to implement Iowa Code sections 455B.304, 455D.7 and 455F.8B, and section 455F.8A as amended by 2005 Iowa Acts, House File 602, section 1.

ITEM #2. Rescind IAC 567—Chapter 211 and adopt the following new chapter in lieu thereof:

CHAPTER 211
FINANCIAL ASSISTANCE FOR THE COLLECTION OF HOUSEHOLD
HAZARDOUS MATERIALS AND HAZARDOUS WASTE FROM
CONDITIONALLY EXEMPT SMALL QUANTITY GENERATORS

567—211.1(455F) Purpose. The purpose of this program is to reduce the amount of hazardous materials disposed in Iowa's sanitary landfills, thereby protecting groundwater resources, the health and safety of Iowa citizens, and the environment.

The costs and accessibility of hazardous materials management can be improved by the establishment and maintenance of a system of Regional Collection Centers (RCCs) for the safe and proper disposal of household hazardous materials and hazardous materials from conditionally exempt small quantity generators (CESQGs). Therefore, the Department may provide financial assistance for costs associated with establishing RCCs, when such funding is available. The Department may also provide financial assistance for ongoing disposal costs for RCCs and MUCCCs whether public agencies or eligible private agencies operate them, when such funding is available.

567—211.2(455F) Definitions. The definitions set out in Iowa Code Section 455B.301 shall be considered to be incorporated verbatim in these rules. For the purposes of this chapter, the following terms shall have the following meaning:

"Applicant for an RCC establishment grant" means a local government or a public agency representing local governments pursuant to Iowa Code chapter 28E.

“Conditionally exempt small quantity generator (CESQG)” means a generator that in a calendar month generates no more than 100 kilograms of hazardous waste in that month and is further defined by 40 CFR 261.5.

“Department” means the Iowa Department of Natural Resources.

“Eligible private agency” means a privately owned landfill, transfer station or citizen convenience center which acts as an RCC or MUCCC as part of an approved comprehensive plan pursuant to Iowa Code section 455B.306. The facility must either include hazardous waste collection activities in its SDP permit or have an RCC or MUCCC permit in accordance with the requirements of 567-Chapter 123.

“Financial assistance” means monetary assistance including grants, cash payments, or support by other financial means.

“Hazardous materials disposal costs” means costs incurred from a hazardous waste contractor for disposal of household hazardous materials and hazardous waste from Conditionally Exempt Small Quantity Generators. Costs may include, but are not limited to, transportation to the hazardous waste contractor, incineration, fuel blending, hazardous waste landfilling, and waste profile testing. “Hazardous materials disposal costs” does not include transportation from a satellite to a main RCC facility, staff time, equipment, overhead costs, or costs to dispose of waste that is not HHM or a hazardous material.

“Hazardous waste contractor” means a private company that provides management (e.g. recycling, disposal) of hazardous waste in compliance with federal regulations. “Hazardous waste contractor” does not include regional collection centers.

“Household hazardous materials” or *“(HHM)”* means the same as defined in Iowa Code subsection 455F.1(4).

“Indirect costs” means costs that are not identifiable with a specific product, function or activity.

“Mobile unit collection and consolidation center” or *“MUCCC”* means a government agency or private agency under contract with a government agency as part of a solid waste comprehensive plan that provides HHM collection events at temporary sites. Collection events are held a minimum of 16 hours per month in each county served by the MUCCC. MUCCCs do not provide public access to a fixed facility. Materials collected are consolidated and stored for removal by a hazardous waste contractor. MUCCCs do not include RCCs that utilize a mobile collection unit along with access to a permanent facility.

“Overhead costs” means expenses not chargeable to a particular part of the work or product including, but not limited to, utilities and insurance.

“RCC mobile unit” means a truck or trailer belonging to a regional collection center that can be moved to different sites within a region. A mobile unit is used to perform collection events and to transport collected materials to the fixed RCC.

“Regional collection center” or *“RCC”* means a secured facility at which collection, sorting, and packaging of household hazardous materials and hazardous materials from CESQGs is accomplished prior to transportation of these wastes to the final disposal site. RCCs have regular hours during which the public may drop off hazardous materials. An RCC may be a government agency or a private agency under contract with a government agency as part of a solid waste comprehensive plan. RCCs are referred to as temporary collection sites in Iowa Code subsection 455F.8A(1).

“Staffing costs” means salaries and benefits related to payment of personnel.

567—211.3(455F) Role of the Department. The Department is responsible for the administration of funds for projects sponsored under this chapter. The Department shall ensure that funds disbursed meet guidelines established by the Groundwater Protection Act (Iowa Code 455E) and Iowa Code section 455B.484. An applicant for an RCC establishment grant under this chapter may submit any eligible project. The Department shall determine which projects, if any, will receive funding after review of all applications.

567—211.4(455F) Funding sources. The Department will use funds appropriated by Iowa Code section 455E.11(2) “a” (2)(d) to achieve the purpose of this chapter. The Department shall ensure that moneys appropriated meet both federal and state guidelines pertaining to the use of the moneys.

567—211.5(455F) Eligible costs. An RCC applicant for an RCC establishment grant may request monetary assistance for the purpose of project development and implementation that includes funds for the following expense categories.

1. Materials and labor for construction, and the purchase cost of structures or mobile units, or both, to be used as an RCC, including but not limited to site excavation for the structure and modifications to control runoff.
2. A three-year education program for households and CESQGs within the RCC service area. Eligible education expenses may include but are not limited to:
 - Supplies, including paper and postage.
 - The purchase of books, resource materials, slideshows, video materials, and other media for education of the local population or donation to local libraries or schools.
 - Fees for public service announcements.
3. Equipment relating directly to RCC operation.
4. First-year staffing costs.
5. Site and building design fees.
6. Computers and software used for tracking hazardous materials.

567—211.6(455F) Ineligible costs. RCC applicants for RCC establishment grants cannot request monetary assistance for the following costs:

1. Taxes.
2. Vehicle registration.
3. Indirect or overhead costs.
4. Legal costs.
5. Contingency funds.
6. Land acquisition.
7. Disposal of hazardous materials.
8. Office equipment.

567—211.7(455F) Criteria for the selection of an RCC establishment grant.

211.7(1) To receive consideration under these rules, an applicant for an RCC establishment grant shall send a copy of the proposal submitted to the Department for financial assistance and comment form provided in the application to the agency responsible for submitting an approved solid waste comprehensive plan, or subsequent plan, for that agency's review and comment. The comment form shall be provided to the department within 7 calendar days of the application deadline or points may be deducted during the review process.

211.7(2) The Department shall coordinate the evaluation of proposals, and applicants will be awarded financial assistance based on selection criteria contained in the application form. Prior to receiving financial assistance from the Department, applicants must obtain a regional collection center permit or amend the SDP permit of the host facility to include regional collection center activities.

211.7(3) Applicants shall submit a completed application on a form provided by the Department and three photocopies, and shall address criteria in the order presented in the application and guidelines. An application that fails to address all of the criteria may not receive further consideration.

567—211.8(455F) Grant denial. An application may be denied for the following reasons, including but not limited to:

1. The applicant does not meet eligibility requirements pursuant to the provisions of this chapter.
2. The applicant does not provide sufficient information requested in the application proposal pursuant to this chapter.
3. The project goals or scope is not consistent with this chapter.
4. Funds are insufficient to award financial assistance to all qualified applicants.
5. The applicant has not met contractual obligations of previous grant awards.
6. The Department received the application after the deadline stated in the application and guidelines.

567—211.9(455F) RCC and MUCCC household hazardous material disposal funding.

211.9(1) All RCCs and MUCCCs, whether they are operated by a public agency or an eligible private agency, may receive funding from the Department to offset the cost associated with proper disposal of household hazardous waste. The source for this funding is described in Iowa Code section 455E .11(2)"a"(2)(d) and (e).

211.9(2) To be eligible to receive disposal-funding assistance, an RCC or MUCCC must:

- a. Have hazardous materials removed by a licensed hazardous waste contractor.
- b. Complete the hazardous materials collection semiannual report on a form supplied by the Department.
- c. Attach the hazardous waste contractor invoices depicting hazardous material types, net weight of hazardous materials, and associated management fees charged by the hazardous waste contractor.
- d. Submit semiannual reports by September 1 for the portion of the fiscal year January 1 through June 30, and by March 1 for the portion of the fiscal year

July 1 through December 31. Reports submitted after the due date without prior approval by the Department are not eligible for reimbursement.

211.9(3) The fall payments will be based on the report due September 1 and on available funding. An RCC or MUCCC will receive a percentage of the available funding in an amount proportional to the amount of HHM the RCC or MUCCC disposed of through a hazardous waste contractor, as reported on the hazardous materials collection semiannual report form, compared to the total amount of HHM disposed of by all RCCs and MUCCCs. The fall payment shall not exceed total disposal costs for the reporting period.

The spring payments will be based on the total pounds reported for the calendar year and on available funding. An RCC or MUCCC will receive a percentage of the available funding for the calendar year minus the amount received for the fall payment, in an amount proportional to the amount of HHM the RCC or MUCCC disposed of through a hazardous waste contractor, as reported on the hazardous materials semiannual report form for the calendar year, compared to the total amount of HHM disposed of by all RCCs and MUCCCs. The spring payment shall not exceed an RCC's or MUCCC's total disposal costs for the calendar year.

These rules are intended to implement Iowa Code section 455F.8A as amended by 2005 Iowa Acts, House File 602, section 1, and section 455F.8B.

Date

Jeffrey R. Vonk, Director